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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,567	08/25/2003	Andrew Rodney Ferlitsch	10237.25	7128
65400	7590	06/25/2007	EXAMINER	
KIRTON & MCCONKIE 1800 EAGLE GATE TOWER / 60 EAST SOUTH TEMPLE P.O. BOX 45120 SALT LAKE CITY, UT 84145-0120			MILIA, MARK R	
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/647,567	FERLITSCH, ANDREW RODNEY
	Examiner	Art Unit
	Mark R. Milia	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9-20 is/are rejected.
- 7) Claim(s) 8 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In light of the 101 Interim Guidelines, the Office policy is to have a claim directed to a computer-readable medium. Therefore, the examiner suggests amending claim 16 to read, "A computer-readable medium storing computer program code means utilized to implement imaging job control, wherein the computer program code means is comprised of executable code for implementing the steps of:", or something similar.

Claims 17-20 should be amended to correspond to claim 16.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,781,711 to Austin et al.

Regarding claim 1, Austin discloses a method for providing imaging job control, the method comprising: constructing a composite imaging job that includes imaging tasks corresponding to a plurality of diverse imaging types (see Figs. 7 and 13, column 11 lines 36-47, and column 17 lines 22-27) and using an imaging spooler subsystem to selectively dispatch at least a portion of the composite imaging job to diverse imaging devices for processing the composite imaging job (see Figs. 10 and 13, column 13 lines 18-54, and column 17 line 2-column 18 line 14).

Regarding claim 9, Austin discloses a method for providing imaging job control, the method comprising: constructing a composite imaging job that includes imaging tasks corresponding to a plurality of diverse imaging types (see Figs. 7 and 13, column 11 lines 36-47, and column 17 lines 22-27) and using an imaging spooler subsystem to selectively dispatch at least a portion of the composite imaging job to an imaging device for processing the composite imaging job, wherein the imaging device is capable of utilizing the diverse imaging types to render the composite imaging job (see Figs. 10 and 13, column 13 lines 18-54, and column 17 line 2-column 18 line 14).

Regarding claim 10, Austin discloses an imaging system comprising: a plurality of diverse imaging devices (see Fig. 13), a computer device having a spooler subsystem corresponding to the diverse imaging devices and an imaging spooler subsystem, wherein the imaging spooler subsystem is configured to selectively dispatch at least a portion of a composite imaging job to the spooler subsystem for processing

the composite imaging job, wherein the composite imaging job includes imaging tasks corresponding to a plurality of diverse imaging types (see Figs. 10 and 13, column 13 lines 18-54, and column 17 line 2-column 18 line 14), and a communication mechanism coupled to the computer device and the plurality of diverse imaging devices (see Fig. 13 and column 13 lines 18-54).

Regarding claim 16, Austin discloses a computer program product for implementing within a computer system a method for providing imaging job control, the computer program product comprising: a computer readable medium for providing computer program code means utilized to implement the method, wherein the computer program code means is comprised of executable code for implementing the steps for: dynamically constructing a composite imaging job that includes imaging tasks corresponding to a plurality of diverse imaging types (see Figs. 7 and 13, column 11 lines 36-47, and column 17 lines 22-27), and using an imaging spooler subsystem to selectively dispatch at least a portion of the composite imaging job to one of (i) diverse imaging devices and (ii) diverse imaging subsystems in a device for processing the composite imaging job (see Figs. 10 and 13, column 13 lines 18-54, and column 17 line 2-column 18 line 14).

Regarding claims 2, 14, and 17, Austin further discloses wherein the composite imaging job is constructed in a single program unit (see column 17 lines 22-40).

Regarding claim 3, Austin further discloses wherein the diverse imaging types comprise at least one of: (i) printing; (ii) faxing; (iii) scanning; (iv) providing document

management (v) copying (see Fig. 7, column 11 lines 36-47, and column 17 lines 12-27).

Regarding claim 4, Austin further discloses further comprising exchanging imaging data and operations across at least some of the diverse imaging devices (see column 17 line 62-column 18 line 14 and column 18 lines 49-65).

Regarding claim 5, Austin further discloses wherein the imaging operations are programmable (see column 11 lines 35-51, column 12 lines 33-36, column 17 lines 22-63, and column 18 lines 49-65).

Regarding claims 6, 13, and 19, Austin further discloses wherein the step for constructing a composite imaging job includes utilizing a single imaging job language across all types of imaging devices (see column 17 lines 22-27 and 35-40).

Regarding claims 7, 15, and 20, Austin further discloses wherein the step for using an imaging spooler subsystem comprises: communicating with the diverse imaging devices through a common interface (see Fig. 13 and column 17 line 2-column 18 line 14) and translating operations corresponding to the composite imaging job into communication methods that are compatible with the diverse imaging devices (see column 13 lines 18-54).

Regarding claim 11, Austin further discloses an imaging server coupled to the communication mechanism, and wherein the computer device is an imaging client (see Fig. 13 and column 13 lines 18-54).

Regarding claim 12, Austin further discloses wherein the plurality of diverse imaging devices include a plurality of multi-function peripheral devices (see column 17 lines 12-21).

Regarding claim 18, Austin further discloses exchanging imaging data and operations across at least some of the one of (i) diverse imaging devices and (ii) diverse imaging subsystems in a device, wherein the imaging operations are programmable (see column 17 line 62-column 18 line 14 and column 18 lines 49-65).

#### ***Allowable Subject Matter***

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose, teach, or suggest the claimed limitations of (in combination with all other limitations in the claims), wherein processing the composite imaging job comprises executing a first subset of steps of the composite imaging job at a first imaging device, wherein the first imaging device is one of the diverse imaging devices, deleting the executed first subset of steps from the composite imaging job, and executing a second subset of steps of the composite imaging job at a

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second imaging device, wherein the second imaging device is one of the diverse imaging devices, as set forth in claim(s) 8.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art please refer to the attached Notice of References Cited.

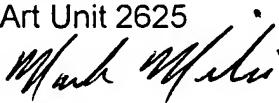
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

MRM



Twyler M. Lamb  
Supervisory Patent Examiner